

Before the  
Federal Communications Commission  
Washington D.C. 20554

In the Matter of	)	
	)	
Telecommunications Relay Service and	)	CC Dkt. No. 98-67
Speech-to-Speech Services for Individuals	)	
with Hearing and Speech Disabilities	)	CG Dkt. No. 03-123
	)	
	)	

COMMENTS OF COMMUNICATION SERVICE FOR THE DEAF

**I. Introduction**

On February 8, 2005, the FCC released a public notice requesting comment to supplement its public record on the speed of answer requirement for video relay service (VRS).<sup>1</sup> Communication Service for the Deaf (CSD) submits these comments in response to this notice. CSD is both a nationwide service provider of VRS and a non-profit organization that provides programs and services intended to increase communication, independence, productivity, and self-sufficiency for all individuals who are deaf and hard of hearing. As CSD has noted in numerous prior pleadings, a timely response to VRS calls that approximates the speed with which hearing individuals can access dial tone service should be the Commission's goal in this proceeding.

Before proceeding, CSD wishes to clarify at the outset that the matter now under review actually refers to the appropriate service level measurement, based on a speed of answer, rather than an appropriate speed of answer itself. Indeed, "service level" and "average speed of answer" are pre-defined industry standards. More specifically, speed

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<sup>1</sup> "Federal Communications Commission Seeks Additional Comment on the Speed of Answer Requirement for Video Relay Service (VRS)," Public Notice, DA 05-339 (February 8, 2005).

of answer is the amount of time in seconds needed to answer an individual call, while the service level is the measurement standard for calls answered within a specified number of seconds or minutes (e.g., 85% of all calls answered within 10 seconds). This measurement becomes useful when several individual answer times are averaged together and expressed in an average speed of answer. The distinction between these two terms becomes relevant when referring to abandoned calls. Specifically, providers cannot include abandoned calls in their speed of answer because these calls have never been and can never actually be answered. Abandoned calls can however, be include in the service level measurement. For example, an 85/10 measurement includes calls that are abandoned among the 15% of calls that are not answered within 10 seconds.

## **II. Responses to Specific FCC Inquiries**

1. What should the speed of answer time be for VRS calls? What percentage of VRS calls should be required to be answered within that period of time?

**Response:** CSD proposes that the FCC phase in a new service level measurement as follows: Within three months after the FCC's speed of answer order is released, providers should be required to respond to 75% of all VRS calls within 60 seconds or less, to be measured on a monthly basis. Within six months of the release of the order, providers should be required to answer 85% of all calls within 30 seconds or less, to be measured on a monthly basis. In addition, because functional equivalency requires relay response times that more closely parallel voice telephone service, the FCC should seek additional comment on this measurement two years after issuance of its order, to assess whether this standard can be improved even further. As volumes grow and costs are lowered, efforts should be made to bring this standard closer to the standard that applies to traditional TRS: 85% of all calls answered within 10 seconds.

2. When should a particular speed of answer rule be effective? Should VRS speed of answer standards be phased in over time? If so, how should the standards be phased in (*i.e.*, what standards should apply at what points in time)?

**Response:** CSD proposes that the service levels be phased in over a six month period (with a three month benchmark), as described in response to question one.

3. What should be the starting and ending points for measuring speed of answer?  
... We seek comment on how we should articulate the starting period from which speed of answer can be measured for each call so that all providers are measuring speed of answer in the same manner.

**Response:** A VRS call should be considered “delivered,” and the clock should begin when the VRS facility's equipment accepts the call from the PSTN, ISDN, or IP network and an address is recognized by the VRS facility (*i.e.*, it is presented to the ACD, switching system, router or other gateway). It is at this point that the VRS facility's network is ready to distribute the call to the next available video interpreter. The clock should stop after the call is presented, accepted and processing begins at the workstation and the interpreter agent is dedicated to the call.

4. How should “abandoned” calls be treated in determining a provider's compliance with a speed of answer standard? We note that the TRS regulations presently require that abandoned calls be included in the speed of answer calculation. Should the same rule apply to VRS and abandoned calls? If not, what other rule should apply to the treatment of abandoned calls?

**Response:** Abandoned calls should be included in the service level measurement for VRS calls, except to the extent these calls are abandoned within the period of time prescribed by that measurement. In other words, calls abandoned within the first 60 seconds (during the first three months of the requirement) and 30 seconds (during all periods thereafter), should not be included within the calculation. Generally, when calls are abandoned shortly after a call is placed, it is because the customer has decided not to

place the call, or has decided to do so at another time, not because the caller no longer wishes to wait for an interpreter or because he or she has waited too long.

5. How should “call backs” – *i.e.*, calls where the consumer elects to have the provider call the consumer back when a VRS CA becomes available to place the call, rather than have the consumer wait for the next available CA – be treated in the speed of answer calculation? Should, for example, such “call backs” be treated as abandoned calls? Should such “call backs” be prohibited once a speed of answer rule is adopted for VRS?

**Response:** In its recent public notice on call handling practices, the FCC clarified that certain types of “call backs” from VRS providers are not permissible under its rules.<sup>2</sup> However, the Commission left open whether call backs should be permitted in order to give a consumer a choice between waiting for an available communications assistant or hanging up and receiving a call back from the TRS provider when the next CA becomes available to take the call.<sup>3</sup> After an appropriate speed of answer requirement is firmly in place, the need for any call backs will be eliminated and should not be tolerated in any form by the Commission.<sup>4</sup>

Although CSD believes that any call backs conflict with mandates for functional equivalency, if the FCC does permit “call backs” for an interim period, CSD proposes that these be measured as if “in queue,” with the service level clock continuing until the

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<sup>2</sup> “Federal Communications Commission Clarifies that Certain Telecommunications Relay Services (TRS) Marketing and Call Handling Practices are Improper and Reminds that Video Relay Service (VRS) May not be Used as a Video Remote Interpreting Service,” Public Notice, CC Docket No. 98-67, CG Docket No. 03-123, DA 05-141 at 4 (January 26, 2005).

<sup>3</sup> *Id.* at 4 n.16.

<sup>4</sup> Call backs should be distinguished from situations where a VRS caller is connected with the called (voice) party, and a technical problem results in disconnecting the video user in the middle of the call. The VRS agent should be permitted to keep the voice user on the line while re-connecting the video user who has been disconnected through no fault of either of the parties to the conversation.

customer is called back and connected with an agent. For example, a call in which the caller waits for a CA for five minutes, hangs up, and is called back fifteen minutes later would have a measurement of twenty minutes. Providers using call backs should have to demonstrate their ability to track these types of calls and effectively incorporate their measurements into service level calculations.

6. Should a provider's compliance with a speed of answer rule be measured on a daily or monthly basis? Or should it be measured on some other basis?

**Response:** A provider's compliance should be measured on a monthly basis, at least during the first two years that the new requirement is in place, and until such time that the FCC has had an opportunity to review the service level measurement in a more mature competitive market. Absent interoperability, VRS exists in an artificial environment that prevents the nationwide pool of interpreters from adequately, effectively, and efficiently responding to VRS consumer demands. In this unstable milieu, it is presently impossible for all providers to make an accurate assessment of the extent to which they can meet a strict response time if this were to be measured on a daily basis. This is because so long as a single VRS vendor continues to provide well over half of all video relay services, it is difficult to predict the extent to which call volume will spill over to other providers if and when interoperability is required. A monthly measurement will provide the flexibility to meet the ebbs and flows characteristic of VRS in this changing market.

7. In connection with the adoption of a speed of answer requirement for VRS, should providers be required to submit reports to the Commission detailing call data reflecting their compliance with the speed of answer rule, and if so, how frequently should such reports be filed (*e.g.*, monthly, quarterly or semi-annually)?

***Response:*** All providers should be required to submit reports to NECA or the Commission on a monthly basis.

### **III. Additional Comments**

Since the start of VRS, CSD has strived to provide response times that enable consumers to have swift, effective, and functionally equivalent communication. For the past year and a half, CSD has supported efforts to lift the “speed of answer” waiver, and heartedly endorses the Commission’s current efforts to gather additional information for the purpose of arriving at a requirement that is fair to consumers. At the same time, CSD urges the Commission not to set a compensation rate that makes it impossible for all but the dominant VRS provider to comply with any new service level measurement.

Already, the VRS rate is far too heavily weighted by cost submissions made by this single provider, whose dominance has largely resulted from its closed network of video relay services. Accordingly, any changes that are made to the answer level measurement should be accompanied by a re-calculation of VRS costs by NECA to ensure fair compensation for all providers.

### **IV. Conclusion**

CSD wishes to thank the Commission for this opportunity to provide this supplemental information on the requirement for VRS service levels.

Respectfully submitted,

/s/

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